

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MAXINE THOMPSON,

Plaintiff,

v.

THE CURATORS OF THE
UNIVERSITY OF MISSOURI, et al.,

Defendants.

Consolidated Case
No. 4:09CV2083 FRB

MAXINE THOMPSON,

Plaintiff,

v.

THE CURATORS OF THE
UNIVERSITY OF MISSOURI, et al.,

Defendants.

Associated Case
No. 4:09CV2084 TCM

MEMORANDUM AND ORDER

This matter is before the Court upon plaintiff's motion to proceed in forma pauperis, as well as the filing of plaintiff's amended complaint. Plaintiff will be granted leave to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915.

However, after reviewing the amended complaint, plaintiff's claims against the individual defendants, Lidgus, Montague, Coonrod and Crothers, will be dismissed

for failure to state a claim. The Court will order the Clerk to issue process or cause process to be issued on defendant the Curators of the University of Missouri.

The Complaint

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court is required to review pleadings filed in forma pauperis. If at any time it appears that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief, the Court may dismiss some or all of plaintiff's complaint.

Plaintiff filed the instant action against plaintiff's former employer, the Curators of the University of Missouri, pursuant to Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e, et seq., and the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. §§ 621, et seq. Plaintiff has also named several employees of the Curators of the University of Missouri as defendants in this action, including: Jonathon Lidgus, Orinthia Montague, Curt Coonrod, and Rene Crothers. In her complaint, plaintiff claims that she was subjected to a hostile work environment as a result of her age and her gender, unlawfully terminated, and retaliated against for exercising her rights under Title VII and the ADEA.

The Court has reviewed the amended complaint and the corresponding documentation provided by plaintiff and believes that plaintiff's claims against the

Curators of the University of Missouri survive review under § 1915. However, plaintiff's claims against the individual defendants, Lidgus, Montague, Coonrod and Crothers, are subject to dismissal because, as noted in the Court's previous Order, supervisors, coworkers and managers cannot be held individually liable for damages under either Title VII or the ADEA. See, e.g., Roark v. City of Hazen, 189 F.3d 758, 761 (8th Cir. 1999) citing Bonomolo-Hagen v. Clay Central-Everyly Community School Dist., 121 F.3d 446, 447 (8th Cir. 1997); Bales v. Wal-Mart Stores, Inc., 143 F.3d 1103, 1111 (8th Cir. 1998); Spencer v. Ripley County State Bank, 123 F.3d 690, 691-92 (8th Cir. 1997); Albra v. Advan, Inc., 490 F.3d 826, 830 (11th Cir. 2007); Hill v. Borough of Kutztown, 455 F.3d 225, 246 (3rd Cir. 2006).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall issue process on defendant the Curators of the University of Missouri.

IT IS FURTHER ORDERED that, pursuant to 42 U.S.C. § 1997e(g)(2), defendant the Curators of the University of Missouri shall reply to plaintiff's claims within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue upon the complaint as to defendants Lidgus, Montague, Coonrod and Crothers because, as to these defendants, the complaint is legally frivolous or fails to state a claim upon which relief can be granted, or both.

An Order of Partial Dismissal shall accompany this Memorandum and Order.

Dated this 23rd day of February, 2010.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE